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Front Loading the Litigation: The Keys to Pretrial Advocacy VSKU: SKL7300

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2022 VA
11/1/2021 - 10/31/2022
1.5 General

VA Course ID #: NAJJ381



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Course Description

Course Description

Today cases are won or lost in the pretrial process. In their book, Pretrial Advocacy (National Institute of Trial Advocacy/Wolters Kluwer 2021), Authors Reuben Guttman and JC Lore refer to the pretrial process as “front-loaded.” Guttman and Lore explain that changes to the standards governing pleading, class certification, discovery, summary judgment, and experts -- along with the advent of electronic information including social media -- have changed the face of litigation.

In this CLE, Guttman and Lore will highlight:

- The key evidentiary and procedural rules for the pretrial process
- Information collection and complaint preparation/investigation in the age of the internet
- Practical approaches for motions and arguments

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Lecturer Bios**Reuben A. Guttman, Esq.**

Reuben Guttman is a founding member of Guttman, Buschner and Brooks PLLC. Guttman, Buschner & Brooks PLLC (gbblegal.com) His practice involves civil rights, whistleblower representation, class actions and complex litigation. He has been counsel in False Claims Act cases that have returned over \$6 Billion to the government.

The International Business Times has referred to him as “one of the world’s most prominent whistleblower attorneys.” He has been an adjunct professor at Emory Law School and a Senior Fellow in the school’s Center for Advocacy and Dispute Resolution; he is currently a faculty member of the American University School of Public Affairs and the National Institute of Trial Advocacy.

He has taught advocacy in the United States, Mexico and China. He is also a fellow of the American Bar Foundation. Mr. Guttman has published over 100 articles, opinion pieces, or book chapters. He is co-author with Rutgers Law Professor JC Lore of the text Pretrial Advocacy (National Institute for Trial Advocacy/Wolters Kluwer (2021). He is a founder of the website [WhistleblowerLaws | The Source for Whistleblowers, Journalists, Legislators & Academics](#).

John C. Lore, III, Esq.

J.C. Lore III is a Distinguished Clinical Professor and Director of Trial Advocacy at Rutgers Law School. He is the co-author of Modern Trial Advocacy: Analysis and Practice, one of the country’s leading books on trial advocacy. Prof. Lore has won numerous teaching awards, including professor of the year and the Chancellor’s Award for Teaching Excellence. He teaches for the National Institute for Trial Advocacy and trains law students and attorneys nationally and internationally.

Prof. Lore has trained attorneys throughout the country and internationally. Professor Lore’s commitment to teaching was recognized by Rutgers when he was awarded the 2012 Chancellor’s Award for Civic Engagement, the Chancellor’s Award for Teaching Excellence, and Lawyering Professor of the Year. Prior to joining the Rutgers faculty in 2006, Professor Lore served on the faculty at Villanova University School of Law and Northwestern University School of Law.

Throughout his career, Prof. Lore has litigated hundreds of trials and motions before a wide variety of courts and administrative agencies. He holds a J.D. from Northwestern University School of Law.



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The Fundamentals of Pleading Practice in State and Federal Court VSKU: LIT900

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 1 General



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Course Description

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Course Description

Detailed, precise, and accurate initial pleadings form the cornerstone of your case. From filing the initial writ or complaint to responsive pleadings such as the answer and new matter, each step in the process is crucial. This CLE course will teach you everything you need to know about the initial pleading stages of a case in both federal and state court.

This course will explain what to do, and when to do it at each stage of the initial pleading process. The course covers, state court filings from the initiation of the suit to the filing of a Reply to New Matter as well as the basics of when and how to plead in a third party. The federal component of the course instructs the practitioner on the filing of the initial notice, the Complaint, Answer, and the basics of pleading in third parties.

Interactive Forum

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Lecturer Bios

Ryan R. Smith, Esq.

Mr. Smith is a seasoned litigator having acted as lead counsel on hundreds of cases in a relatively short period of time. Mr. Smith spent seven (7) years as a sole practitioner practicing in the areas of personal injury, criminal defense, civil rights, and professional malpractice. As a sole practitioner it was imperative that Mr. Smith be well versed in the area of drafting pleadings in both state and federal court. Mr. Smith is an AV-rated attorney.

He is a member of the National Association for Criminal Defense Lawyers, the Allegheny County Bar Association, the Pennsylvania Association for Justice and the American Association for Justice. Mr. Smith has acted as lead counsel on various types of cases, including civil rights matters, medical malpractice claims, automobile accidents, mass tort product liability cases, premises liability cases, nursing home negligence cases, and matters under the Federal Tort Claims Act. In 2010, Mr. Smith was the inaugural recipient of the Allegheny County Bar Association Federal Court Section's National Trial Advocacy College Scholarship. Mr. Smith has resolved many cases to substantial verdict and settlement.

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Affirmative Defenses Under Twombly and Iqbal: Complying With Higher Pleading Standards in Recent Cases

Recording of a 90-minute CLE webinar with Q&A

Conducted on Wednesday, October 16, 2019

Recorded event now available

This CLE course will provide trial attorneys with the knowledge of how to succeed in asserting affirmative defenses under the tighter pleading standards that have developed under *Twombly*, *Iqbal*, and their lower and state court progeny. Failure to know when and how to plead these defenses can be fatal to a client's case.

Description

In the *Twombly* and *Iqbal* decisions, the Supreme Court departed from years of "notice pleading," forcing plaintiffs to **meet a new, higher standard of plausibility**. They left behind an unresolved issue: Would defendants still be permitted to assert terse, conclusory, single-sentence affirmative defenses. Courts have grappled with the subject, and one federal appellate court has recently decided in favor of holding defendants to this higher standard.

Trial lawyers must be able to distinguish between negative defenses (which deny a plaintiff's case) and affirmative defenses (which do not depend on the truth of the plaintiff's claim). Having determined that a particular defense is an affirmative defense, counsel must plead it in a fashion that does not result in the defense being stricken, waived, or dismissed.

Although some courts allow defendants to continue to state these defenses as outlined in Fed. R. Civ. P. 8, or its applicable state law equivalent, other courts require more. For example, instead of pleading "fraud" (under Rule 8(c)(1)), defendants may now be **required to assert the specific elements of the defense**, representation, reliance, scienter, and causation.

Listen as this panel of seasoned trial veterans discusses the evolution of this area of the law. The consequence of misunderstanding the current principles of affirmative defenses can be the disappearance of those defenses, resulting in a loss, and potentially a malpractice claim.

- I. Identification of affirmative defenses
 - A. Listed in rules
 - B. Unlisted items of confession and avoidance
- II. *Twombly* and *Iqbal* applied to affirmative defenses
- III. *Twombly* and *Iqbal* not applied to affirmative defenses

Benefits

The panel will review these and other essential topics:

- Background principles of affirmative defenses
- Waiving an affirmative defense through non-assertion
- Dismissing an affirmative defense for failure to meet pleading standards

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Patrick Dillard

Associate

Troutman Sanders

Mr. Dillard represents consumer-facing companies and other clients in complex litigation with a keen understanding of... |

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Jeffrey Soos

Member


Saiber

Mr. Soos focuses his practice in business litigation, intellectual property litigation, white collar criminal defense,... | [READ MORE](#)

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Pleading Standards, Affirmative Defenses and Motions to Dismiss in Federal Court

Navigating Rule 8 Pleadings, 12(b)(6) and (f) Motions to Dismiss, and Standards in Removal Cases

Recording of a 90-minute CLE webinar with Q&A

Conducted on Thursday, August 29, 2013

Recorded event now available

This CLE course will discuss the evolution of pleadings standards since *Iqbal/Twombly* and how to survive a motion to dismiss. The panel will also discuss the applicability of the heightened pleadings standard to affirmative defenses as well as cases removed to federal court for diversity.

Description

Since *Iqbal/Twombly* ushered in heightened pleading standards, a good deal has been written about how various courts have addressed motions to dismiss based upon insufficient pleading. Consequently, case law continues to be the best source of guidance on the sufficiency of a complaint and the issues courts typically consider in evaluating 12(b)(6) motions to dismiss.

Courts with little consistency among them, continue to wrestle with the question of whether the heightened **standards apply to the pleading of affirmative defenses**. To survive Rule 12(f) motions to strike, it is helpful for counsel to have an understanding of the rationale behind the decisions in the various jurisdictions which have addressed this important issue.

Another vexing issue involves cases filed in notice pleading state courts, but subsequently removed to federal court based upon diversity. Does the complaint then have to comply with the *Iqbal/Twombly* standards?

Listen as our authoritative panel of litigators guides you through the evolution of pleading standards since *Iqbal/Twombly*, how to survive a motion to dismiss, the applicability of *Iqbal/Twombly* to affirmative defenses, and pleading standards for cases removed to federal court for diversity.

Outline

- I. Rule 8 pleading standards
- II. Rule 12(b)(6) motions to dismiss
- III. Rule 12(f) motions to strike affirmative defenses
- IV. Applicability of *Iqbal*/*Twombly* pleading standards to cases removed to federal court for diversity

Benefits

The panel will review these and other key questions:

- What are the latest developments in Rule 8 pleading standards and what do courts consider in evaluating a 12(b)(6) motion to dismiss?
- What are the various court rationales for considering whether the heightened pleadings standards apply to affirmative defenses?
- Must complaints in cases removed to federal court for diversity comply with the heightened pleadings standards?

Following the speaker presentations, you'll have an opportunity to get answers to your specific questions during the interactive Q&A.

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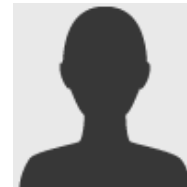


Peter M. Durney

Partner

Cornell & Gollub

Since becoming a partner in the firm in 1987, he has represented hundreds of domestic and foreign corporations and... | [READ MORE](#)



Jonathan E. Goldberg

Partner

Dentons

He has represented clients throughout the United States in matters involving claims of retaliation, discrimination,... | [READ MORE](#)

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ON DEMAND BASIC

An Introduction to §1983 Civil Rights Pleading Practice

1h

Created on January 23,
2017

Beginner

4.8 ★ ★ ★ ★ ★ (1133 reviews)

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Overview

Following the Supreme Court's decisions in *Bell Atlantic v. Twombly* and *Ashcroft v. Iqbal*, the former federal "notice" pleading standard has been supplanted by so-called "plausibility" pleading. This new standard presents unique challenges in the civil rights context, where government actors may hold critical sources of information that may not be available

to litigants in advance of initiating suit. Municipalities and other state actors have been quick to adapt to this favorable new standard, and FRCP 12 motion practice is common in §1983 litigation today.

In this course, we will explore the intricacies of plausibility pleading in the context of §1983 actions, and give practitioners an introduction to the claims, defenses, and core constitutional concepts that underlay §1983 litigation in both police and corrections cases. We will explore critical differences between §1983 practice and more conventional common law litigation, and identify policy concerns that attorneys should be aware of in §1983 practice.

This course, presented by Samuel B. Cohen, noted New York §1983 practitioner, will provide practitioners with tools to create durable, persuasive §1983 pleadings that have the best chances of surviving FRCP 12 review, while preserving critical issues for discovery against both individual and supervisory defendants.

Learning Objectives:

- I. Introduction to practical "plausibility" pleading for §1983 practitioners
- II. Overview of common §1983 claims and defenses
- III. Skills for "Rule 12 Proofing" §1983 pleadings
- IV. Explore policy considerations that may be relevant to §1983 practice

Topics covered in this course:

Anti-Racism Library

Civil Rights

Constitutional

Public Interest

Credits

New York CLE

Status: **Approved**

Credits: **1.0 Professional Practice**

Earn credit until: **January 23, 2023**

New York requires attorneys to certify their compliance on their attorney registration. Online registration can be found [here](#). For

Virginia CLE

Status: **Not Eligibl**

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Faculty



Samuel B. Cohen

Samuel B. Cohen Law

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Voting Rights In The United States From Inception To The Present VSKU: ELE600

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VA Course ID #: NAJJ313



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Course Description

Course Description

This CLE program will review voting rights in the United States focusing on Supreme Court decisions from the inception of the country to the present day. The discussion will begin when our nation was formed and continue, with respect to African Americans, through the era of slavery in the South, the Civil War, Reconstruction, and Jim Crow. It also includes restrictions placed on Native Americans including fundamental rights afforded citizens, including the right to vote and Americans of Latino and Asian heritage as well.

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Lecturer Bios

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Louis J. Braun holds a Ph.D. degree in Mathematics from City University of NY and a law degree from Pace University. He previously practiced at Weil Gotshal for over 8 years. Louis practices commercial and corporate law and has authored three peer reviewed articles which have appeared in the Duke Mathematical Journal, the Hastings Law Journal and the Utah Law Review. He is also a Civil Rights activist, was a local coordinator for Dr. Martin Luther King's Selma to Montgomery March and the former National Chairman of Americans Democratic Action, Campus Division. He can be reached at braun@mathlawyer.com.

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The Voting Rights Act of 1965: A Cornerstone of Equal Rights for All Americans VSKU: ELE500

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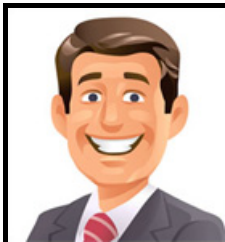
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Course Description

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Course Description

The Voting Rights Act of 1965 marked a pivotal moment in the history of voter law. This CLE course, presented by commercial and corporate lawyer Louis J. Braun, will present the context of this historic act including the 15th amendment, the history of voting rights and the denial of this right to specific groups, the incredible pathway to the passing of the act and the incredible vigilance necessary to maintain it and all freedoms of the American people.

Lecturer Bios

Dr. Louis J. Braun, Esq.

Louis J. Braun holds a Ph.D. degree in Mathematics from City University of NY and a law degree from Pace University. He previously practiced at Weil Gotshal for over 8 years. Louis practices commercial and corporate law and has authored three peer reviewed articles which have

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Message:

appeared in the Duke Mathematical Journal, the Hastings Law Journal and the Utah Law Review. He is also a Civil Rights activist, was a local coordinator for Dr. Martin Luther King's Selma to Montgomery March and the former National Chairman of Americans Democratic Action, Campus Division. He can be reached at braun@mathlawyer.com.

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ON DEMAND BASIC

Political Law Updates During the COVID Crisis

1h
2m

Created on May
08, 2020

Intermediate

4.7 ★ ★ ★ ★ ★ (700 reviews)

✓ You have completed this course

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Overview

Like every other legal field, the landscape of political law, including political contributions and election administration, has been impacted by the COVID pandemic. Elections are being delayed, some election procedures have been changed, and most others will be re-evaluated in the coming months.

As businesses are interacting more with federal, state, and local governments due to the economic fallout from widespread "stay at home" orders and social distancing, registration and reporting requirements must be taken into account. Across the country, state and local governments are changing their gift rules to allow for more donations from businesses. Although fundraisers have moved into the virtual world, campaign finance regulations are still in effect.

Presented by Ronald Jacobs and Meredith McCoy, this program will analyze changes to political giving and election administration during the COVID pandemic.

Learning Objectives:

- I. Discuss how states have changed election procedures during the primary season to account for the virus and how this might affect the November elections
- II. Identify changes to state reporting requirements and ethics rules that have resulted from the massive shift to a stay-at-home and work-from-home world
- III. Analyze how recent interactions with federal, state, or local officials may impact lobbying registration and reporting requirements
- IV. Review basic campaign finance rules and how they apply in the virtual fundraising world

Topics covered in this course:

Covid-19

Election, Campaign, & Political

Credits

New York CLE

Status: **Approved**

Credits: **1.0 Professional Practice**

Earn credit until: **May 09, 2022**

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Online registration can be found [here](#). For more information, see our [CLE](#)

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Virginia CLE

Status: **Approved**

Credits: **1.0 General**

Earn credit until:

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Faculty

Ronald Jacobs

Venable LLP

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Meredith K. McCoy

Venable LLP

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ON DEMAND UNLIMITED

Voting Rights Litigation Today: Strategies for Moving from Voter Suppression to Election Protection

1h

Created on June
22, 2021

Intermediate

CC

4.8 ★ ★ ★ ★ ★ (713 reviews)

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Overview

Across the country, and especially in the Deep South, a concerted assault on voting rights is taking place. Since the Supreme Court struck down a key provision of the Voting Rights Act of 1965 – one of the most

successful pieces of civil rights legislation designed to increase voter registration, turnout, and fair electoral schemes – we have seen a proliferation of policies that do just the opposite. Georgia and Florida have passed severe voter restrictions following the historic 2020 elections, Alabama has enacted onerous photo ID requirements, counties continue to close polling places at an alarming rate, and state legislators in general are erecting burdensome voter eligibility requirements. The Supreme Court also has upheld extreme forms of partisan gerrymandering and approved of discriminatory voter purge procedures. In response, the Southern Poverty Law Center and partner organizations have mounted a massive campaign to challenge these regressive policies, improve access to the ballot box, and demand government accountability. This course will address these issues and many more as we gear up for the 2021 redistricting cycle and 2022 mid-term election season.

Learning Objectives:

- I. Identify the key federal voting rights cases recently decided or currently before the federal courts, including a pending decision before the Supreme Court regarding the Voting Rights Act's scope of coverage
- II. Discuss legal theories and strategies from plaintiffs' and defendants' perspectives in litigating these kinds of cases
- III. Suggest techniques for incorporating civic education and media tools in shaping the public narrative around voting as a right rather than a privilege

Topics covered in this course:

Anti-Racism Library

Civil Rights

Credits

New York CLE

Status: **Approved**

Credits: **1.0 Professional Practice**

Earn credit until: **June 23, 2023**

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Faculty

Nancy G. Abudu

The Southern Poverty Law Center

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ON DEMAND UNLIMITED

Election Protection for Attorneys: How to Help Voters in 2020

1h
15m

Created on
September 25,
2020

Intermediate

CC

4.8 ★ ★ ★ ★ ★ (919 reviews)

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Overview

This program will survey the problems most likely to disenfranchise vulnerable voters in the 2020 election and avenues to overcome them, focusing on nuts-and-bolts voting mechanics such as voter registration, voting by mail, long lines, voter ID, provisional ballots, early voting, and

administrators.

Presented by Doug Lindner, National Voter Protection Director of the Voter Protection Corps, this program will benefit legal professionals serving as poll workers, poll observers, hotline volunteers, election administrators, or in any other capacity related to facilitating the voting process.

Attendees who do not yet have a role to facilitate the voting process in the upcoming election are encouraged (but not required) to serve their communities as poll workers, and can sign up to do so at "voter-protection.org/be-a-pollworker".

Learning Objectives:

- I. Identify the key issues causing problems for voters
- II. Discuss the legal and governmental structure of election administration
- III. Assist voters facing common problems
- IV. Consider opportunities to get involved in facilitating the democratic process in your community

Topics covered in this course:

Anti-Racism Library

Civil Rights

Constitutional

Election, Campaign, & Political

Public Interest

Credits

New York CLE

Status: **Approved**

Credits: **1.0 Skills**

Earn credit until: **September 26, 2022**

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Faculty

Doug Lindner

Voter Protection Corps

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